

EXHIBIT II



U.S. Citizenship
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Services

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Optional Practical Training Extension for STEM Students (STEM OPT)

i ALERT: On Dec. 13, 2024, the Department of Homeland Security published a [final rule](#) that permanently increases the automatic extension period for employment authorization and Employment Authorization Documents (EAD) available to certain EAD renewal applicants from up to 180 days to up to 540 days. The final rule will continue to help prevent eligible renewal EAD applicants from experiencing a lapse in employment authorization and/or the validity of their EAD due to lengthy processing times.

The final rule became effective on **Jan. 13, 2025**, and applies to certain timely filed renewal EAD applications pending on, or filed on or after May 4, 2022.

i ALERT: Please remember that photos submitted to USCIS must be unmounted and unretouched. Unretouched means the photos must not be edited or digitally enhanced. The submission of any mounted or retouched images will delay the processing of your application and may prompt USCIS to require that you appear at an Applicant Support Center to verify your identity.

Certain F-1 students who receive science, technology, engineering, and mathematics (STEM) degrees may apply for a 24-month extension of their post-completion optional practical training (OPT).

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Eligibility for the STEM OPT Extension



To qualify for the 24-month extension, you must:

- Have been granted OPT and currently be in a valid period of post-completion OPT;
- Have earned a bachelor's, master's, or doctoral degree from a school that is accredited by a U.S. Department of Education-recognized accrediting agency and is certified by [the Student and Exchange Visitor Program \(SEVP\)](#) at the time you submit your STEM OPT extension application.

- **NOTE: Previously obtained STEM degrees:** If you are an F-1 student pa period of post-completion OPT based on a non-STEM degree, you may be eligible to use a



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previous STEM degree from a U.S. institution of higher education to apply for a STEM OPT extension. You must have received both degrees from currently accredited and SEVP-certified institutions, and cannot have already received a STEM OPT extension based on this previous degree. The practical training opportunity also must be directly related to the previously obtained STEM degree.

- For example, if the student is currently participating in OPT based on a non-STEM degree, but previously received a bachelor's degree in a degree program that appears on the current [DHS STEM Designated Degree Program List](#), the student may be able to apply for a STEM OPT extension based on the bachelor's degree as long as it is from an accredited U.S. college or university and the OPT employment opportunity is directly related to the bachelor's STEM degree.
- **NOTE: STEM degrees you obtain in the future:** If you enroll in a new academic program in the future and earn another qualifying STEM degree at a higher educational level, you may be eligible for one additional 24-month STEM OPT extension.
 - For example: If you receive a 24-month STEM OPT extension based on a qualifying bachelor's degree and you later earn a qualifying master's degree, you may apply for an additional 24-month STEM OPT extension based on your master's degree.
- Work for an employer who meets all the requirements listed below in the STEM OPT Employer Responsibilities section; and
- Submit the [Form I-765, Application for Employment Authorization](#), up to 90 days before your current OPT employment authorization expires, and within 60 days of the date your designated school official (DSO) enters the recommendation for OPT into your Student and Exchange Visitor Information System (SEVIS) record.

Applying for a STEM OPT Extension

To apply for an extension, you must properly file:

- Form I-765 with
 - The correct application fee;
 - Your employer's name as listed in E-Verify, and
 - Your employer's E-Verify Company Identification Number or valid E-Verify Client Company Identification Number
- Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, endorsed by your DSO within the last 60 days; and
- A copy of your STEM degree.

If you file your STEM OPT extension application on time and your OPT period expires while your extension application is pending, we will automatically extend your employment authorization for 180 days. This automatic 180-day extension ceases once USCIS adjudicates your STEM OPT extension application.

F-1 students who have a pending STEM OPT extension application are not eligible for the increase of the automatic extension period under 8 CFR 274a.13(d) [published](#) on Dec.13, 2024, because the automatic extension period only applies to the categories listed in the chart on the [Automatic Employment Authorization Document \(EAD\) Extension](#) page.

After Receiving a STEM OPT Extension

Student Reporting Responsibilities

If you receive a STEM OPT extension, you must:

- Report changes to the following information to your DSO within 10 days of the change, specifically:
 - Your legal name;
 - Your residential or mailing address;
 - Your email address;
 - Your employer’s name; and
 - Your employer’s address.
- Report to your DSO every 6 months to confirm the information listed above, even if none of your information has changed.

For more information, please refer to the [USCIS Policy Manual](#) and the [DHS STEM OPT Hub](#).

Unemployment during the OPT Period

You may be unemployed during your OPT period for a limited number of days.

If you received...	You may be unemployed for...	For a total of...(during the OPT period)
Initial post-completion OPT only	Up to 90 days	90 days
24-month extension	An additional 60 days	150 days

STEM OPT Employer Requirements and Responsibilities

If you are an employer who wants to provide a practical training opportunity to a STEM OPT student during their extension, you must:

- Be enrolled in E-Verify, as evidenced by either a valid E-Verify company identification number or, if the employer is using an employer agent to create its E-Verify cases, a valid E-Verify client company identification number.
- Remain a participant in good standing with E-Verify, as determined by USCIS.
- Have a valid Employer Identification Number (EIN) issued by the IRS for tax purposes;
- Report material changes of the STEM OPT student's employment by submitting a modified Form I-983 to the DSO at the earliest available opportunity.
- Report the STEM OPT student's termination of employment or departure to the DSO within 5 business days.
- Implement a formal training program to build on the student's academic learning through practical experience; and
- Provide an OPT opportunity that is commensurate with those of similarly situated U.S. workers in duties, hours, and compensation.

Terms and Conditions for Employer Participation

To ensure the integrity of the program and provide safeguards for U.S. workers, any employer wishing to employ a student participating in the STEM OPT extension program must ensure that:

- The employer will have and maintain a bona fide employer-employee relationship with the student.
- The employer has sufficient resources and personnel available to provide appropriate training in connection with the specified opportunity at the location(s) specified in the Form I-983, Training Plan for STEM OPT Students.
- The STEM OPT student will not replace a full- or part-time, temporary or permanent U.S. worker; and
- The training opportunity will assist the student in attaining his or her training goals.

DHS may, at its discretion, conduct a [site visit](#) of the employer to ensure that program requirements are being met, including that the employer possesses and maintains the ability, personnel, and resources to provide structured and guided work-based learning experiences consistent with the training plan.

The Employer's Training Obligation

As noted above, to be eligible to employ a STEM OPT student, an employer must have and maintain a bona fide employer-employee relationship with the student. The employer must attest to this fact by signing the Form I-983, Training Plan for STEM OPT Students. To establish a bona fide relationship, the employer may not be the student's "employer" in name only, nor may the student work for the employer on a "volunteer" basis. Moreover, the employer that signs the Form I-983 must be the same entity that provides the practical training experience to the student.

An employer must have sufficient resources and trained or supervisory personnel available to provide appropriate training in connection with the specified training opportunity at the location(s) where the student's practical training experience will take place, as specified in the Form I-983. The "personnel" who may provide and supervise the training experience may be either employees of the employer, or contractors who the employer has directly retained to provide services to the employer; they may not, however, be employees or contractors of the employer's clients or customers. Additionally, under no

circumstances would another F-1 student with OPT or a STEM OPT extension (who is undergoing training in their own right) be qualified to train another F-1 student with a STEM OPT extension.

While employers may rely on their existing training programs or policies to satisfy the requirements relating to performance evaluation and oversight and supervision, the student's Training Plan must nevertheless be customized for the individual student. For instance, every Training Plan must describe the direct relationship between the STEM OPT opportunity and the student's qualifying STEM degree, as well as the relationship between the STEM OPT opportunity and the student's goals and objectives for work-based learning. Moreover, a STEM OPT employer may not assign, or otherwise delegate, its training responsibilities to a non-employer third party (such as a client/customer of the employer, employees of the client/customer, or contractors of the client/customer).

As noted above, DHS, at its discretion, may conduct a site visit of any STEM OPT employer to ensure that the employer possesses and maintains the ability and resources to provide structured and guided work-based learning experiences consistent with the Form I-983. See 8 C.F.R. 214.2(f)(10)(ii)(C)(11). Consistent with this provision, during a site visit, DHS may verify that the employer that signs Form I-983 is the same entity that provides the practical training experience to the student and ensure compliance. For ICE to effectively conduct these site visits as part of its oversight responsibilities, it is important that employers report any change in a student's employment address. As indicated above, the employer and student must report such a material change by submitting a modified Form I-983 to the DSO at the earliest available opportunity.

The Employer's Training Obligation: Staffing and Temporary Agencies

Staffing and temporary agencies and consulting firms may seek to employ students under the STEM OPT program, but only if they will be the entity that provides the practical training experience to the student and they have and maintain a bona fide employer-employee relationship with the student. STEM OPT participants may engage in a training experience that takes place at a site other than the employer's principal place of business as long as all of the training obligations are met, including that the employer has and maintains a bona fide employer-employee relationship with the student. Certain types of arrangements, including multiple employer arrangements, sole proprietorships, employment through "temp" agencies, employment through consulting firm arrangements that provide labor for hire, and other similar relationships may not be able to demonstrate a bona fide employer-employee relationship and, therefore, may not meet the requirements of the STEM OPT extension.

As part of the STEM OPT extension, employers must complete the appropriate parts of Form I-983, Training Plan for STEM OPT Students. In this form, employers attest that:

- They have enough resources and trained personnel available to appropriately train the student;
- The student will not replace a full- or part-time, temporary or permanent U.S. worker; and
- Working for them will help the student attain their training objectives.

DHS will review on a case-by-case basis whether the student will be a bona fide employee of the employer signing the training plan, and verify that the employer that signs the training plan, is the same entity that employs the student and provides the practical training experience.

For more information, please refer to the [USCIS Policy Manual](#) and the [DHS STEM OPT Hub](#).

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